

House Study Bill 557

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to regulation of the harvesting of commercial
2 fish, turtles, and freshwater mussels and providing for fees
3 and penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5453DP 81
6 av/je/5

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1 1 Section 1. Section 482.1, subsection 5, Code 2005, is
1 2 amended to read as follows:
1 3 5. Revoke the license of a licensee ~~and the licensee's~~
~~1 4 designated operators~~ for up to one year if the licensee ~~or any~~
~~1 5 designated operator~~ has been convicted of a violation of
1 6 chapter 481A, 482, or 483A.
1 7 Sec. 2. Section 482.1, unnumbered paragraph 3, Code 2005,
1 8 is amended to read as follows:
1 9 Employees of the commission may lift and inspect any
1 10 commercial gear at any time when being used and may inspect
1 11 commercial catches, commercial markets, and landings, and
1 12 examine ~~catch sale and purchase~~ records of commercial fishers,
1 13 commercial turtle fishers, ~~and~~ commercial mussel fishers,
~~1 14 commercial fish buyers, commercial turtle buyers, and~~
~~1 15 commercial mussel buyers~~ upon demand.
1 16 Sec. 3. Section 482.2, Code 2005, is amended to read as
1 17 follows:
1 18 482.2 DEFINITIONS.
1 19 As used in this chapter, unless the context otherwise
1 20 requires:
1 21 1. "Boundary waters" means the waters of the Mississippi,
1 22 Missouri, and Big Sioux rivers.
1 23 2. "Commercial fish buyer" means a person engaged in the
~~1 24 business of buying, selling, bartering, or trading fish, fish~~
~~1 25 eggs (roe), or fish parts.~~
1 26 3. "Commercial fish helper" means a person who assists a
~~1 27 commercial fisher in operating commercial gear or in taking,~~
~~1 28 attempting to take, possessing, processing, or transporting~~
~~1 29 commercial fish or turtles.~~
1 30 2. 4. "Commercial fisher" means a person who is licensed
1 31 to take, attempt to take, possess, process, transport, and
1 32 sell fish and turtles from waters of the state.
1 33 3. ~~5. "Commercial fishing" means taking, attempting to~~
1 34 ~~take, possessing, processing, or transporting of fish or~~
~~1 35 turtles for the purpose of selling, bartering, exchanging,~~
2 1 ~~offering, or exposing for sale.~~
2 2 4. 6. "Commercial gear" means the capturing equipment
2 3 used by commercial fishers, commercial turtle fishers, and
2 4 commercial mussel fishers.
2 5 7. "Commercial mussel buyer" means a person engaged in the
2 6 business of buying, selling, bartering, or trading freshwater
~~2 7 mussels or their parts.~~
2 8 5. 8. "Commercial mussel fisher" means a person who is
2 9 licensed to take, attempt to take, possess, process,
2 10 transport, and sell freshwater mussels from waters of the
2 11 state. A resident commercial mussel license holder must have
~~2 12 resided in this state for one year preceding the person's~~
~~2 13 application for a commercial mussel fishing license.~~
2 14 6. 9. "Commercial mussel fishing" means taking,
2 15 attempting to take, possessing, processing, or transporting of
2 16 freshwater mussels for the purpose of selling, bartering,
2 17 exchanging, offering, or exposing for sale.
2 18 10. "Commercial mussel helper" means a person who assists

~~2 19 a commercial mussel fisher in operating commercial gear or in~~
~~2 20 taking, attempting to take, possessing, processing, or~~
~~2 21 transporting commercial mussels.~~
2 22 ~~7-~~ 11. "Commercial species" means species of fish,
2 23 turtles, and freshwater mussels which may be lawfully taken
2 24 and sold by commercial fishers, commercial turtle fishers, and
2 25 commercial mussel fishers, as established by rule by the
2 26 commission.
2 27 12. "Commercial turtle buyer" means a person engaged in
2 28 the business of buying, selling, bartering, or trading
2 29 turtles, turtle eggs, or turtle parts.
2 30 ~~8-~~ 13. "Commercial turtle fisher" means a person who is
2 31 licensed to take, ~~attempt to take, possess, process,~~
2 32 ~~transport,~~ and sell turtles from the waters of the state.
2 33 ~~9-~~ 14. "Commercial turtle fishing" means taking,
2 34 attempting to take, ~~possessing, processing,~~ or transporting of
2 35 turtles for the purpose of selling, bartering, exchanging,
3 1 offering, or exposing for sale.
3 2 15. "Commercial turtle helper" means a person who assists
3 3 a commercial turtle fisher in operating commercial gear, or in
3 4 taking, attempting to take, possessing, processing, or
3 5 transporting commercial turtles.
3 6 ~~10-~~ 16. "Constant attendance" means the presence of a
3 7 commercial fisher ~~or a designated operator~~ whenever commercial
3 8 gear is in use.
3 9 ~~11-~~ 17. "Director" means the director of the department
3 10 of natural resources, and the director's duly authorized
3 11 assistants, deputies, or agents.
3 12 ~~12-~~ 18. "Game fish" means all species and size categories
3 13 of fish not included as "commercial species" or minnows.
3 14 ~~13-~~ 19. "Inland waters of the state" means all public
3 15 waters of the state excluding the boundary waters of the
3 16 Mississippi, Big Sioux, and Missouri rivers.
3 17 ~~14-~~ 20. "Licensed commercial gear" means any commercial
3 18 gear that is licensed as provided in this chapter and that,
3 19 when in use, has ~~attached~~ the proper tags attached as provided
3 20 by this chapter.
3 21 ~~15-~~ 21. "Nonresident or alien" means a person who does
3 22 not qualify as a resident ~~of the state of Iowa either because~~
~~3 23 of a bona fide residence in another state or because of~~
~~3 24 citizenship of a country other than the United States.~~
~~3 25 However, "alien" does not include a person who has applied for~~
~~3 26 naturalization papers.~~
3 27 ~~16-~~ 22. "Resident" means a natural person who ~~is legally~~
~~3 28 subject to motor vehicle registration and driver's license~~
~~3 29 laws of this state, or who is qualified to vote in an election~~
~~3 30 of this state. meets any of the following criteria:~~
3 31 a. Has physically resided in this state for at least
3 32 thirty consecutive days immediately prior to applying for or
3 33 purchasing a resident license under this chapter and has been
3 34 issued an Iowa driver's license or an Iowa nonoperator's
3 35 identification card.
4 1 b. Is a nonresident under eighteen years of age whose
4 2 parent is a resident of this state.
4 3 c. Is a member of the armed forces of the United States
4 4 who is serving on active duty, claims residency in this state,
4 5 and has filed a state individual income tax return as a
4 6 resident pursuant to chapter 422, division II, for the
4 7 preceding tax year, or is stationed in this state.
4 8 d. Is registered to vote in this state.
4 9 A resident license shall be limited to persons who do not
4 10 claim any resident privileges, except as defined in paragraphs
4 11 "b", "c", and "d" of this subsection, in another state or
4 12 country. A person shall not purchase or apply for any
4 13 resident license or permit if that person has claimed
4 14 residency in any other state or country.
4 15 ~~17-~~ 23. "Waters of the state" means all of the waters
4 16 under the jurisdiction of the state.
4 17 Sec. 4. Section 482.4, Code 2005, is amended to read as
4 18 follows:
4 19 482.4 COMMERCIAL LICENSES AND GEAR TAGS.
4 20 1. A person shall not use or operate commercial gear
4 21 unless at least one individual at the site where the
4 22 commercial gear is being operated possesses an appropriate
4 23 valid commercial license, ~~or a designated operator's license.~~
4 24 A commercial license is valid from the date of issue to
4 25 January 10 of the succeeding calendar year.
4 26 ~~2. A commercial fisher may designate a person as a~~
~~4 27 designated operator to lift and to fish with any licensed~~
~~4 28 commercial fishing gear owned by the commercial fisher. A~~
~~4 29 commercial fisher shall not have more than five designated~~

~~4 30 operators. A designated operator's license shall be assigned~~
~~4 31 to not more than three operators during a year and a~~
~~4 32 designated operator's license shall be valid for use only by~~
~~4 33 an operator who possesses the license and has signed the~~
~~4 34 license. The signature of any preceding designated operator~~
~~4 35 who possessed the license shall be crossed out. A designated~~
~~5 1 operator shall not lift or fish any commercial fishing gear~~
~~5 2 without possessing a designated operator's license which is~~
~~5 3 signed by the operator. A designated operator's license which~~
~~5 4 is not signed by the operator in possession of the license is~~
~~5 5 forfeited to the state.~~
~~5 6 3. A boundary water annual sport trotline license permits~~
~~5 7 the licensee to use a maximum of four trotlines with two~~
~~5 8 hundred hooks in the aggregate. All boundary water sport~~
~~5 9 trotlines shall be tagged with the name and address of the~~
~~5 10 licensee on a metal tag affixed above the waterline.~~
~~5 11 4. 2. Commercial fishers and commercial turtle fishers~~
~~5 12 shall purchase gear tags from the commission to be affixed to~~
~~5 13 each piece of gear in use. Notwithstanding the fee rates for~~
~~5 14 gear tags of under subsection 7 5, the minimum fee for a gear~~
~~5 15 tag is five dollars. All tags are valid for ten years from~~
~~5 16 the date of issue. In addition to the gear tags, all gear~~
~~5 17 shall be tagged with a metal weather-resistant tag showing the~~
~~5 18 name and address of the licensee and whether the gear is fish~~
~~5 19 or turtle gear.~~
~~5 20 5. 3. All numbered fish gear tags are interchangeable~~
~~5 21 among the different types of commercial fishing gear.~~
~~5 22 6. 4. Annual license fees are as follows:~~
~~5 23 a. Commercial fishing fisher, resident..... \$ 200.00~~
~~5 24 b. Commercial fishing fisher, nonresident..... \$ 400.00~~
~~5 25 c. Designated operator Commercial fish helper,~~
~~5 26 resident..... \$ 50.00~~
~~5 27 d. Designated operator Commercial fish helper,~~
~~5 28 nonresident..... \$ 100.00~~
~~5 29 e. Commercial fish buyer, resident..... \$ 250.00~~
~~5 30 f. Commercial fish buyer, nonresident..... \$ 500.00~~
~~5 31 e. g. Commercial turtle fisher, resident..... \$ 50.00~~
~~5 32 200.00~~
~~5 33 f. h. Commercial turtle fisher, nonresident..... \$ 100.00~~
~~5 34 400.00~~
~~5 35 i. Commercial turtle helper, resident..... \$ 50.00~~
~~6 1 j. Commercial turtle helper, nonresident..... \$ 100.00~~
~~6 2 k. Commercial turtle buyer, resident..... \$ 250.00~~
~~6 3 l. Commercial turtle buyer, nonresident..... \$ 500.00~~
~~6 4 g. m. Commercial mussel fisher, resident..... \$ 100.00~~
~~6 5 n. Commercial mussel fisher, nonresident..... \$2,500.00~~
~~6 6 o. Commercial mussel helper, resident..... \$ 50.00~~
~~6 7 p. Commercial mussel helper, nonresident..... \$ 200.00~~
~~6 8 h. q. Commercial mussel buyer, resident..... \$1,000.00~~
~~6 9 i. r. Commercial mussel buyer, nonresident..... \$5,000.00~~
~~6 10 j. Boundary water sport trotline, resident..... \$ 10.00~~
~~6 11 k. Boundary water sport trotline, nonresident..... \$ 20.00~~
~~6 12 l. Commercial mussel fisher, nonresident..... \$2,500.00~~
~~6 13 m. Commercial mussel helper, resident..... \$ 50.00~~
~~6 14 n. Commercial mussel helper, nonresident..... \$ 200.00~~
~~6 15 7. 5. Commercial fish gear tags are required on the~~
~~6 16 following units of commercial fishing gear at the listed fee:~~
~~6 17 a. Seine, resident, one gear tag for each 100~~
~~6 18 feet or fraction thereof..... \$ 1.00~~
~~6 19 b. Seine, nonresident, one gear tag for each~~
~~6 20 100 feet or fraction thereof..... \$ 2.00~~
~~6 21 c. Trammel net, resident, one gear tag for~~
~~6 22 each 100 feet or fraction thereof..... \$ 1.00~~
~~6 23 d. Trammel net, nonresident, one gear tag~~
~~6 24 for each 100 feet or fraction thereof..... \$ 2.00~~
~~6 25 e. Gill net, resident, one gear tag for each~~
~~6 26 100 feet or fraction thereof..... \$ 1.00~~
~~6 27 f. Gill net, nonresident, one gear tag for each~~
~~6 28 100 feet or fraction thereof..... \$ 2.00~~
~~6 29 g. Entrapment nets, resident, one gear tag~~
~~6 30 per net..... \$ 1.00~~
~~6 31 h. Entrapment nets, nonresident, one gear~~
~~6 32 tag per net..... \$ 2.00~~
~~6 33 i. Commercial trotline, resident, one gear tag~~
~~6 34 for each 50 hooks or less..... \$ 1.00~~
~~6 35 j. Commercial trotline, nonresident, one gear~~
~~7 1 tag for each 50 hooks or less..... \$ 2.00~~
~~7 2 8. 6. Turtle trap gear tags are not interchangeable with~~
~~7 3 other commercial gear. Turtle trap gear tag fees are as~~
~~7 4 follows:~~
~~7 5 a. Commercial turtle trap, resident, one gear~~

7 6 tag per trap..... \$ 1.00
7 7 b. Commercial turtle trap, nonresident, one
7 8 gear tag per trap..... \$ 2.00
7 9 Sec. 5. Section 482.5, Code 2005, is amended to read as
7 10 follows:
7 11 482.5 COMMERCIAL GEAR.
7 12 It is lawful for a person who is legally licensed to
7 13 ~~harvest~~ commercial fish or turtles to use the commercial
7 14 ~~fishing~~ gear of a design, construction, size, season, and all
7 15 other criteria established by the commission for taking those
7 16 species of fish and turtles designated by the commission by
7 17 rule.
7 18 Sec. 6. Section 482.7, Code 2005, is amended to read as
7 19 follows:
7 20 482.7 GEAR ATTENDANCE.
7 21 ~~The A commercial fisher, commercial turtle fisher, or~~
7 22 ~~commercial mussel fisher licensee or a designated operator~~
7 23 ~~must be present when lifting commercial gear is operated. A~~
7 24 ~~commercial fish helper, commercial turtle helper, or~~
7 25 ~~commercial mussel helper shall not operate commercial gear~~
7 26 ~~except under the direct supervision of the appropriate~~
7 27 ~~commercial fisher, commercial turtle fisher, or commercial~~
7 28 ~~mussel fisher.~~ Commercial gear shall be lifted and emptied of
7 29 catch as provided by the rules of the commission. Constant
7 30 attendance by the ~~licensee or a designated operator~~ commercial
7 31 ~~fisher~~ of seines, trammel nets, and gill nets is required when
7 32 the gear is fished by driving, drive-seining, seining,
7 33 floating, or drifting methods. Officers of the commission
7 34 ~~shall may~~ grant a reasonable extension of gear attendance
7 35 ~~intervals in cases of inclement weather or unsafe conditions~~
8 1 ~~only upon the request of a commercial fisher, commercial~~
8 2 ~~turtle fisher, or commercial mussel fisher who specifies why~~
8 3 ~~an extension is necessary.~~
8 4 Sec. 7. Section 482.8, subsection 1, Code 2005, is amended
8 5 to read as follows:
8 6 1. It is lawful for licensed commercial fishers,
8 7 ~~designated operators, and~~ commercial turtle fishers, ~~and~~
8 8 ~~licensed sport trotline fishers~~ to pursue, take, possess, and
8 9 transport any commercial fish or their parts, bait fish,
8 10 turtles, frogs, salamanders, leeches, crayfish, or any other
8 11 aquatic invertebrates for bait unless otherwise prohibited by
8 12 law.
8 13 Sec. 8. Section 482.9, subsection 4, Code 2005, is amended
8 14 to read as follows:
8 15 4. For a person to lift or to fish licensed commercial
8 16 gear of another person, except by the licensee ~~and the~~
8 17 ~~licensee's designated operators.~~
8 18 Sec. 9. Section 482.10, Code 2005, is amended to read as
8 19 follows:
8 20 482.10 ~~SALE OF~~ COMMERCIAL FISH.
8 21 1. ~~A person possessing a~~ All persons who commercially
8 22 ~~take, attempt to take, possess, process, transport, sell, or~~
8 23 ~~buy fish or their parts shall possess an appropriate, valid~~
8 24 ~~commercial fishing license or designated operator's license~~
8 25 ~~may possess and sell any commercial fish, turtles, or~~
8 26 ~~freshwater mussels, or their parts, which have been lawfully~~
8 27 ~~taken.~~
8 28 a. ~~A commercial fisher license is required to operate~~
8 29 ~~commercial fishing gear and to take, attempt to take, possess,~~
8 30 ~~process, transport, or sell any commercial fish, commercial~~
8 31 ~~turtles, or their parts. A commercial fisher is not permitted~~
8 32 ~~to buy commercial fish, commercial turtles, or their parts.~~
8 33 b. ~~A commercial fish helper license is required to assist~~
8 34 ~~a commercial fisher in operating commercial fishing gear, and~~
8 35 ~~in taking, attempting to take, possessing, processing, or~~
9 1 ~~transporting commercial fish, commercial turtles, or their~~
9 2 ~~parts. A commercial fish helper is not permitted to buy or~~
9 3 ~~sell commercial fish, commercial turtles, or their parts.~~
9 4 c. ~~A commercial fish buyer license is required to buy and~~
9 5 ~~sell commercial fish or their parts. Restaurants; licensed~~
9 6 ~~premises where alcoholic beverages, wine, or beer are sold or~~
9 7 ~~consumed under authority of a liquor control license, wine~~
9 8 ~~permit, or beer permit; and public benefit corporations exempt~~
9 9 ~~under section 501(c)(3) of the Internal Revenue Code, or any~~
9 10 ~~successor section, that purchase commercial fish or their~~
9 11 ~~parts for retail sale and human consumption on their premises~~
9 12 ~~are not required to obtain a commercial fish buyer license.~~
9 13 2. All intrastate and interstate shipments of commercial
9 14 fish or turtles must be accompanied by a label which shows the
9 15 name and address of the seller and the kinds and pounds of the
9 16 catches being sold. ~~Individuals purchasing fish, turtles, or~~

~~9 17 mussels from a commercial fisher, turtle fisher, or mussel~~
~~9 18 fisher need not possess a license.~~

9 19 Sec. 10. Section 482.11, subsection 1, Code 2005, is
9 20 amended to read as follows:

9 21 1. ~~A person shall not~~ All persons who commercially take,
9 22 attempt to take, possess, or process, transport, sell, or buy
9 23 turtles from the waters of the state without or their parts
9 24 shall possess an appropriate, valid commercial license.

9 25 a. ~~A valid sport fishing commercial turtle fisher license~~
9 26 ~~entitles a person is required to operate commercial turtle~~
9 27 ~~fishing gear and to take and, attempt to take, possess a~~
9 28 ~~maximum of one hundred pounds of live turtles or fifty pounds~~
9 29 ~~of dressed, process, transport, or sell commercial turtles or~~
9 30 ~~their parts. The sale of live or dressed turtles is not~~
9 31 ~~permitted with a sport fishing license. A commercial turtle~~
9 32 ~~fisher is not permitted to buy commercial turtles or their~~
9 33 ~~parts. Nonresident turtle fishers shall harvest turtles only~~
9 34 ~~from the boundary waters.~~

9 35 b. ~~A commercial turtle helper license is required to take~~
10 1 ~~and possess more than one hundred pounds of live or fifty~~
10 2 ~~pounds of dressed turtles. The holder of a assist a~~
10 3 ~~commercial turtle license may sell live or dressed fisher in~~
10 4 ~~operating commercial turtle fishing gear, and in taking,~~
10 5 ~~attempting to take, possessing, processing, or transporting~~
10 6 ~~commercial turtles or their parts. A commercial turtle helper~~
10 7 ~~is not permitted to buy or sell turtles or their parts.~~

10 8 c. ~~A commercial fishing fisher license or a designated~~
10 9 ~~operator's license entitles commercial fishers to operate any~~
10 10 ~~licensed commercial fishing gear for taking, possessing, or~~
10 11 ~~selling and to take, possess, and sell turtles taken with such~~
10 12 ~~commercial fishing gear.~~

10 13 d. ~~An individual possessing a valid~~ A commercial turtle
10 14 buyer license may have the assistance of one unlicensed
10 15 individual in the is required to buy and sell commercial
10 16 taking of turtles or their parts. Restaurants; licensed
10 17 premises where alcoholic beverages, wine, or beer are sold or
10 18 consumed under authority of a liquor control license, wine
10 19 permit, or beer permit; and public benefit corporations exempt
10 20 under section 501(c)(3) of the Internal Revenue Code, or any
10 21 successor section, that purchase commercial turtles for retail
10 22 sale and human consumption on their premises are not required
10 23 to obtain a commercial turtle buyer license.

10 24 Sec. 11. Section 482.11, subsection 3, Code 2005, is
10 25 amended to read as follows:

10 26 3. The method of taking turtles shall only be by hand,
10 27 turtle hook, turtle trap, licensed commercial fishing gear, or
10 28 other means designated by commission rules. ~~Sport fishers may~~
10 29 ~~also use hook-and-line in catching turtles.~~

10 30 Sec. 12. Section 482.11, subsection 4, Code 2005, is
10 31 stricken.

10 32 Sec. 13. Section 482.12, subsection 1, Code 2005, is
10 33 amended to read as follows:

10 34 1. ~~A person shall not~~ All persons who commercially take,
10 35 attempt to take, possess, process, transport, buy, or sell
11 1 freshwater mussels from the waters of the state without or
11 2 their parts shall possess an appropriate, valid commercial
11 3 license.

11 4 a. ~~A sport fishing license entitles a person to take and~~
11 5 ~~possess a maximum amount of mussels or shells daily as~~
11 6 ~~authorized by rule of the department or commission under the~~
11 7 ~~authority of sections 456A.24, 481A.38, 481A.39, and 482.1.~~

11 8 b- a. ~~A commercial mussel fisher license is required to~~
11 9 ~~operate commercial mussel fishing gear and to take more than~~
11 10 ~~twenty pounds of mussels or shells daily, or possess more than~~
11 11 ~~twenty pounds of mussels or shells. The holder of a~~
11 12 ~~commercial mussel fisher license may sell mussels or shells.~~

11 13 c- b. ~~A commercial mussel buyer license is required to~~
11 14 ~~buy, sell, barter, or trade freshwater mussels or shells.~~

11 15 d- c. ~~A commercial mussel helper license is required to~~
11 16 ~~assist commercial mussel fishers in the taking, attempting to~~
11 17 ~~take, possessing, processing, or transporting of commercial~~
11 18 ~~freshwater mussels. The taking or sale of mussels or shells~~
11 19 ~~is not permitted with a commercial mussel helper license.~~

11 20 Sec. 14. Section 482.14, Code 2005, is amended to read as
11 21 follows:

11 22 482.14 REPORTS REQUIRED.

11 23 1. ~~All commercial fishers, commercial turtle fishers, and~~
11 24 ~~commercial mussel fishers, and commercial mussel buyers~~ shall
11 25 submit a monthly report supplying all information requested on
11 26 forms furnished by the commission. Reports must be received
11 27 by the commission no later than the fifteenth day of the

11 28 following month.
11 29 2. Commercial fish buyers, commercial turtle buyers, and
11 30 commercial mussel buyers shall maintain accurate records of
11 31 all their transactions. The records shall contain the number,
11 32 weight, and species of fish, turtles, or mussels purchased,
11 33 the name and address of the seller, and the county or pools
11 34 where the fish, turtles, or mussels were taken. The records
11 35 shall be updated within seventy-two hours of each transaction.
12 1 Each buyer shall submit a monthly report supplying all
12 2 information requested on forms furnished by the commission
12 3 Reports must be received by the commission no later than the
12 4 fifteenth day of the following month.

12 5 3. Commercial fish buyers, commercial turtle buyers, and
12 6 commercial mussel buyers shall utilize a two-part receipt for
12 7 each purchase of commercial species. One copy of the receipt
12 8 shall be kept by the commercial buyer and one copy of the
12 9 receipt shall be given to the person selling the commercial
12 10 species. Commercial buyers and sellers shall each retain
12 11 their copies of the receipts for five years following the date
12 12 of the transaction.

12 13 4. Facilities and records of commercial fish buyers,
12 14 commercial turtle buyers, and commercial mussel buyers shall
12 15 be open at all reasonable times for inspection by any
12 16 conservation officer.

12 17 Sec. 15. Section 483A.1, subsection 1, Code Supplement
12 18 2005, is amended by adding the following new paragraph:

12 19 NEW PARAGRAPH. u. Boundary waters sport trotline,
12 20 annual.....\$ 20.50

12 21 Sec. 16. Section 483A.1, subsection 2, Code Supplement
12 22 2005, is amended by adding the following new paragraph:

12 23 NEW PARAGRAPH. w. Boundary waters sport trotline,
12 24 annual.....\$ 40.50

12 25 Sec. 17. Section 483A.1A, Code 2005, is amended by adding
12 26 the following new subsection:

12 27 NEW SUBSECTION. 0A. "Boundary waters" means the waters of
12 28 the Mississippi, Missouri, and Big Sioux rivers.

12 29 Sec. 18. NEW SECTION. 483A.28 NONCOMMERCIAL HARVEST OF
12 30 AQUATIC SPECIES.

12 31 1. A boundary waters annual sport trotline license
12 32 entitles the licensee to use a maximum of four trotlines with
12 33 two hundred hooks in the aggregate, only on boundary waters.
12 34 All boundary waters sport trotlines shall be tagged with the
12 35 name and address of the licensee on a weather-resistant tag
13 1 provided by the licensee and affixed above the waterline. A
13 2 boundary waters sport trotline licensee is not permitted to
13 3 sell fish or turtles taken pursuant to the license.

13 4 2. A valid fishing license issued pursuant to this chapter
13 5 entitles the licensee to take and possess a maximum of one
13 6 hundred pounds of live turtles or fifty pounds of dressed
13 7 turtles. Any unattended fishing gear used to take turtles
13 8 pursuant to a fishing license shall be tagged with the name
13 9 and address of the licensee on a weather-resistant tag
13 10 provided by the licensee and affixed above the waterline. A
13 11 fishing licensee is not permitted to sell live or dressed
13 12 turtles taken pursuant to the license.

13 13 3. A valid fishing license issued pursuant to this chapter
13 14 entitles the licensee to take and possess a maximum amount of
13 15 mussels or shells daily as authorized by rule of the
13 16 department or commission under the authority of sections
13 17 456A.24, 481A.38, 481A.39, and 482.1. A fishing licensee is
13 18 not permitted to sell freshwater mussels or shells taken
13 19 pursuant to the license.

13 20 Sec. 19. Section 805.8B, subsection 3, paragraph n, Code
13 21 2005, is amended to read as follows:

13 22 n. For violations of section 482.11 relating to turtles+
13 23 ~~(1) For commercial turtle violations, the scheduled fine~~
13 24 ~~is one hundred dollars.~~

13 25 ~~(2) For sport turtle violations, the scheduled fine is~~
13 26 ~~fifty dollars.~~

13 27 Sec. 20. Section 805.8B, subsection 3, paragraph o, Code
13 28 2005, is amended to read as follows:

13 29 o. For violations of section 482.12 relating to mussels+
13 30 ~~(1) For commercial mussel violations, the scheduled fine~~
13 31 ~~is one hundred dollars.~~

13 32 ~~(2) For sport mussel violations, the scheduled fine is~~
13 33 ~~fifty dollars.~~

13 34 Sec. 21. Section 805.8B, subsection 3, Code 2005, is
13 35 amended by adding the following new paragraph:

14 1 NEW PARAGRAPH. qq. For violations of section 483A.28,
14 2 other than license violations, the scheduled fine is twenty=
14 3 five dollars.

EXPLANATION

14 4
14 5 This bill relates to the regulation under Code chapter 482
14 6 of the harvesting of commercial fish, turtles, and freshwater
14 7 mussels by residents and nonresidents and provides for license
14 8 fees and penalties.

14 9 The bill requires a person involved in taking, attempting
14 10 to take, possessing, selling, or buying commercial fish,
14 11 turtles, or freshwater mussels to obtain an appropriate, valid
14 12 commercial license. A commercial fisher licensee, operating
14 13 commercial fishing gear, is allowed to take and sell
14 14 commercial turtles. Commercial fisher licensees and
14 15 commercial turtle licensees are allowed to take any commercial
14 16 fish, bait fish, turtles, frogs, salamanders, leeches,
14 17 crayfish, or any other aquatic invertebrates for bait unless
14 18 otherwise prohibited by law.

14 19 A commercial fisher, commercial turtle fisher, or
14 20 commercial mussel fisher licensee is not permitted to buy
14 21 commercial fish, turtles, or mussels. Nonresident turtle
14 22 fishers are permitted to harvest turtles only from the
14 23 boundary waters, that is, the waters of the Mississippi,
14 24 Missouri, and Big Sioux rivers.

14 25 In addition, commercial turtle fisher license fees are
14 26 increased from \$50 to \$200 for residents and from \$100 to \$400
14 27 for nonresidents.

14 28 Licenses are required for commercial fish helpers, turtle
14 29 helpers, or mussel helpers to assist a commercial fisher,
14 30 turtle fisher, or mussel fisher in operation of the
14 31 appropriate commercial gear and in taking, attempting to take,
14 32 possessing, processing, or transporting commercial fish,
14 33 turtles, or mussels. A commercial fish helper, turtle helper,
14 34 or mussel helper is not permitted to buy or sell commercial
14 35 fish, turtles, or mussels, respectively.

15 1 The commercial fish helper licenses are in lieu of the
15 2 designated operator licenses that were previously available at
15 3 \$50 for residents and \$100 for nonresidents. The new
15 4 commercial turtle helper licenses are also \$50 for residents
15 5 and \$100 for nonresidents. Commercial mussel helper licenses
15 6 remain the same at \$50 for residents and \$200 for
15 7 nonresidents.

15 8 Licenses are required for commercial fish buyers, turtle
15 9 buyers, or mussel buyers to buy and sell commercial fish,
15 10 turtles, or mussels. A restaurant, licensed premises where
15 11 alcoholic beverages, wine, or beer are sold or consumed, or a
15 12 nonprofit corporation may buy commercial fish or turtles for
15 13 retail sale and human consumption on their premises without
15 14 purchasing a fish or turtle buyer license.

15 15 The new commercial fish buyer and turtle buyer licenses
15 16 cost \$250 for residents and \$500 for nonresidents. Commercial
15 17 mussel buyer licenses remain available at \$1,000 for residents
15 18 and \$5,000 for nonresidents.

15 19 The bill provides that a commercial fisher, turtle fisher,
15 20 or mussel fisher must be present when commercial gear is being
15 21 operated. A commercial fish helper, turtle helper, or mussel
15 22 helper is not permitted to operate commercial gear except
15 23 under the direct supervision of the appropriate commercial
15 24 fisher, turtle fisher, or mussel fisher. A commercial fisher
15 25 must be present when certain specified commercial gear is in
15 26 use. The natural resource commission may grant a reasonable
15 27 extension of gear attendance intervals only upon the request
15 28 of a commercial fisher, turtle fisher, or mussel fisher who
15 29 specifies why an extension is necessary.

15 30 The bill requires all commercial fishers, turtle fishers,
15 31 and mussel fishers to submit a monthly report supplying all
15 32 information requested by the natural resource commission.

15 33 The bill requires all commercial fish buyers, turtle
15 34 buyers, and mussel buyers to maintain accurate records of all
15 35 their transactions, including specified information, updated
16 1 within 72 hours of each transaction, and submitted monthly to
16 2 the natural resource commission.

16 3 The bill also requires commercial fish, turtle, and mussel
16 4 buyers to use a two-part receipt with the buyer and seller
16 5 each retaining a copy of the receipt for five years following
16 6 the transaction. Facilities and records of such buyers must
16 7 be open at all reasonable times for inspection by conservation
16 8 officers.

16 9 The penalty for a violation of the commercial fishing
16 10 provisions contained in Code chapter 482 is a scheduled fine
16 11 of \$100 unless another fine is otherwise specified.

16 12 The bill moves language concerning boundary waters sport
16 13 trotline licenses from Code chapter 482 to Code chapter 483A
16 14 and increases the annual fee for such a license from \$10 to

16 15 \$20 for residents and from \$20 to \$40 for nonresidents.
16 16 The bill moves language concerning the use of boundary
16 17 waters sports trotline licenses from Code section 482.4 to new
16 18 Code section 483A.28 and allows such a licensee to use a
16 19 maximum of four trotlines with 200 hooks in the aggregate,
16 20 only on boundary waters, which are properly tagged with the
16 21 licensee's name and address. A boundary waters sport trotline
16 22 licensee is not permitted to sell fish or turtles taken
16 23 pursuant to the license.
16 24 The bill moves language concerning the taking and
16 25 possessing of turtles with a sport fishing license from Code
16 26 section 482.11 to new Code section 483A.28 and allows such a
16 27 licensee to take and possess a maximum of 100 pounds of live
16 28 turtles or 50 pounds of dressed turtles, using fishing gear
16 29 that is properly tagged with the licensee's name and address.
16 30 A sport fishing licensee is not permitted to sell live or
16 31 dressed turtles taken pursuant to the license.
16 32 The bill also moves language concerning the taking and
16 33 possessing of mussels or shells with a sport fishing license
16 34 from Code section 482.12 to new Code section 483A.28 and
16 35 allows such a licensee to take and possess a maximum amount of
17 1 mussels or shells daily as is authorized by the natural
17 2 resource commission by rule. A sport fishing licensee is not
17 3 permitted to sell mussels or shells taken pursuant to the
17 4 license.
17 5 The penalty for unlawfully taking turtles or mussels with a
17 6 sport fishing license under new Code section 483A.28 is a
17 7 scheduled fine of \$50 for residents and \$70 for nonresidents
17 8 pursuant to Code section 805.8B, subsection 3, paragraph "p".
17 9 Previously, the scheduled fine for sport turtle or sport
17 10 mussel violations was \$50 for residents and nonresidents. The
17 11 bill adds a new paragraph to Code section 805.8B, subsection
17 12 3, providing that for violations of new Code section 483A.28,
17 13 other than license violations, the scheduled fine is \$25.
17 14 This language is similar to the penalty for gear tag
17 15 violations involving commercial licenses that is contained in
17 16 Code section 805.8B, subsection 3, paragraph "m", and is also
17 17 a scheduled fine of \$25.
17 18 LSB 5453DP 81
17 19 av:nh/je/5